

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KENNETH ROSENER, ) Case No. \_\_\_\_\_  
                        )  
Plaintiff,           ) District Court of Douglas County  
                        )  
                        ) Case No. CI-21-7592  
v.                    )  
                        ) **NOTICE OF REMOVAL**  
MENARD, INC.,       )  
                        )  
Defendant.           )

Defendant, Menard, Inc., through counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes Case No. CI 15-2900 from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska.

**GROUND FOR REMOVAL**

1. On or about July 23, 2021, Plaintiff Kenneth Rosener filed a Complaint in the District Court of Douglas County, Nebraska, styled *Kenneth Rosener v. Menard, Inc.*, Case No. CI 21-7592. Defendant was served with Summons and a copy of the Complaint on August 2, 2021.
2. The Complaint alleges one cause of action for negligence against Defendant.
3. This Court has diversity jurisdiction over this case, pursuant to 28 U.S.C. § 1332(a), because the case is between citizens of different states and the amount in controversy exceeds \$75,000.00.
4. Defendant is entitled to remove this action to the United States District Court for the District of Nebraska pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332(c)(1), as Plaintiff is a citizen of Nebraska and Defendant is a citizen of Wisconsin, as it is incorporated in Wisconsin, where it has its principle place of business.

5. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is filed within thirty (30) days after receipt by Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based. Defendant was served on or about August 2, 2021. *See Exhibit 1.*

6. Copies of all pleadings, motions, process, and orders served upon Defendant or received otherwise in the action are attached as Exhibit 1 in accordance with 28 U.S.C. § 1446(a).

7. Promptly upon filing this Notice of Removal, Defendant will give notice in writing thereof to Plaintiff and will file a copy of this Notice of Removal with the Clerk of the District Court of Douglas County, Nebraska.

WHEREFORE, Defendant, Menard, Inc., hereby gives notice of the removal of the above-captioned action from the District Court of Douglas County, Nebraska, to this Court.

Submitted September 1, 2021.

MENARD, INC., Defendant,

By: /s/ Mary M. Schott  
Mary M. Schott, #21832  
EVANS & DIXON, LLP  
11422 Miracle Hills Drive, Suite 400  
Omaha, NE 68154  
Phone: (402) 951-7236  
Fax: (314) 884-4541  
Email: [mschott@evans-dixon.com](mailto:mschott@evans-dixon.com)  
*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 1st day of September, 2021, the above and foregoing document was filed with the Clerk of the Court using the JUSTICE on-line filing system and a true and correct copy of the same was sent by electronic transmission to the following:

Thomas Rowen, #21778  
DYER LAW, PC, LLO  
2611 S. 117<sup>th</sup> Street  
Omaha, NE 68144  
[tom@dyerlaw.com](mailto:tom@dyerlaw.com)  
*Attorney for Plaintiff*

/s/ Mary M. Schott

15646.1-5031494